IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NOs: 9917 and 11631 of 1994

WRIT PETITION NO : 9917 of 1994:

Between:

1. The Diocese of Nellore Society,

Represented by its Bishop and Mnager,

Rt.Rev.Dr.P.C.Balaswamy, S/o Chinnayya,

Aged 67 years, Bishop's House, Nellore-524 001.

2. Rev.Fr.Denis Gabriel D'Souza, S/o. Benjamine D'Souza.
Aged 41years, Head Master and Correspondent, St.Peter's High

School, Ranganayakulapet, Nellore.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, represented by its Secretary, Education Department, Secretariat buildings, Hyderabad.
2. Director of School Education, A.P., Hyderabad.
3. The Regional Joint Director, School Education, Guntur, Guntur District.
4. The Dt. Educational Officer, Nellore, Nellore District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly in the nature of Mandamus declaring the G.O.Ms.No.167, Education (B) Department, dated 09-03-1984 of the first respondent and the proceedings of the fourth respondent in Rc.No.3967-B6/93 dated 01-03-1994 as unconstitutional and illegal and consequentially to direct the respondents to approve the appointment of second petitioner as Head-Master of St. Peter's High School, Ranganayakulapet, Nellore, Nellore District, and release the salary with arrears with effect from 01-10-1991 with all consequential benefits.

Counsel for the Petitioner: MR.P.DHARMESH

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

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WRIT PETITION NO : 11631 of 1994:

Between:

Rev.Fr.Denis Gabriel D'Souza, S/o. Benjamine D'Souza.
St.Peter's High School, Ranganayakulapet,
Nellore.

..... PETITIONER

AND

1 Regional Joint Director of School Education, Guntur.
2 The District Educational Officer, Nellore.
3 The Correspondent, St.Peter's High School,
Ranganayakulapet, Nellore.
4 Mr.K.Prakasam, St.Peter's High School, Ranganayakulapet,
Nellore.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of Mandamus declaring the order of the 2nd respondent in Rc.No.3967/B6/93 dated 13/06/1994 of the 2nd respondent and the order of the 3rd respondent dated 15/06/1994 and also the proceedings of the 2nd respondent in Rc.No.3967/B6/93 dated 20/06/1994 of the 2nd respondent as illegal and consequentially to direct the respondents 2 and 3 to continue him as Head Master of the St.Peter's High School, Ranganayakulapet, Nellore and to pass

Counsel for the Petitioner: MR.P.DHARMESH

Counsel for the Respondent No.1 & 2 : GP FOR EDUCATION

The Court made the following:

COMMON O R D E R:

The learned Counsel for the petitioners submits that he may be permitted to withdraw the writ petitions with liberty to file fresh writ petitions, if the fresh cause of action arises.

2. The writ petitions are accordingly dismissed as withdrawn with liberty as referred to above. No costs.

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(G.BIKSHAPATHY,J)

Dated : 22-07-2004

gs/ghn

To

1. The Secretary, Government of Andhra Pradesh, Education Department, Secretariat buildings, Hyderabad.

2. Director of School Education, A.P., Hyderabad.

3. The Regional Joint Director, School Education, Guntur, Guntur District.

4. The Dt. Educational Officer, Nellore, Nellore District.

5. Regional Joint Director of School Education, Guntur.

6. The District Educational Officer, Nellore.

7. Two CCs to G.P. for Education, High Court Buildings, Hyd (OUT)

8. Two CD copies